IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10441 of 2005

Between:

1 Vanna Subba Reddy, S/o V. Kasi Reddy,
R/o Veerabhadrapuram Village, Yerragondapalem Mandal, Prakasam

District.
2 Mandula Nagaiah, S/o M. Bhushaiah,
R/o Veerabhadrapuram Village, Yerragondapalem Mandal, Prakasam

District.

..... PETITIONERS

AND

1 The District Collector (Civil Supplies Wing), Ongole, Prakasam District.
2 The Joint Collector, Ongole, Prakasam District.
3 The Revenue Divisional Officer, Markapur, Prakasam District.
4 The Mandal Revenue Officer, Yerragondapalem, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus or any other appropriate Writ, declaring the action of the 3rd respondent in creating a new Fair Price Shop in Veerabhadrapuram (V), Yerragonda Palem Mandal, Prakasam District, by virtue of RCH.No. 415/2005 dt. 11-4-2005 is illegal, arbitrary and unjust and contrary to the Government Memo No. 148/CS/99-1, dt. 22-1-1999 and also violative of Art. 14, 21 and 19(1) (G) of the Constitution of India and principles of natural justice and pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KODURURAMA CHANDRA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the 3rd respondent in issuing impugned proceedings in R.C.H.No.415/2005
dated 11-04-2005 as illegal and arbitrary.

The petitioners are the authorized dealers of the fair price shops of Veerabhaderapuram village, Yerragondapalem Mandal, Prakasam. In the affidavit filed in support of the writ petition it is stated that the
3rd respondent-Revenue Divisional Officer, Markapur, without there being any reason issued impugned proceedings bifurcating the fair price shops of the writ petitioners and attached nearly 240 cards to the newly created fair price shop by detaching the same from their fair price shops. Aggrieved by the same, the writ petitioners made a representation dated 16-03-2005 before the 2nd respondent-Joint Collector, Ongole, stating that the 3rd respondent-Revenue Divisional Officer issued the impugned proceedings without giving any notice to them. It is also stated that as per the guidelines issued by the Government with respect to the constitution of Fair Price Shop-I its Memo No.148/CS/99-1 dated 22-01-1999 a single shop alone must be continued when there are less than 350 cards. It is alleged that the entire proceedings were initiated against them due to political rivalry. The grievance of the petitioners is that the impugned proceedings issued by the 3rd respondent-Revenue Divisional Officer, Markapur is contrary to law and that the 2nd respondent-Joint Collector did not pass any orders on the representation dated 16-03-2005 in this regard till now. Hence the writ petition has been filed.

Having heard the learned counsel for the writ petitioners and as well as the learned Government Pleader for Civil Supplies, since the representation dated 16-03-2005 made by the writ petitioners against the impugned order of suspension is pending for consideration, the petitioners without giving a breathing time to take steps in the matter by the authorities, straight away approached this court and filed the writ petition. Therefore, without expressing any opinion on merits of the case, I am of the view that the interest of justice would be met, if the 2nd respondent-Joint Collector, Ongole, is directed to dispose of the representation

dated 16-03-2005 in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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28-04-2005

Mjl/*

To,

1 The District Collector (Civil Supplies Wing), Ongole, Prakasam District.
2 The Joint Collector, Ongole, Prakasam District.
3 The Revenue Divisional Officer, Markapur, Prakasam District.
4 The Mandal Revenue Officer, Yerragondapalem, Prakasam District.

5. 2 CCS to G.P. for Civil Supplies, High Court of A.P.Hyderabad.

6. 2 CD copies.